

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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2005 MAY 16 P 2:50

CITY OF BOSTON,

Plaintiff,

v.

REINAUER TRANSPORTATION  
COMPANIES, LLC,

Defendant.

CIVIL ACTION NO: 03-12415-RWZ

U.S. DISTRICT COURT  
DISTRICT OF MASS

**CITY OF BOSTON'S ANSWER TO DEFENDANT'S COUNTERCLAIM**

The City of Boston (the "City") hereby responds to defendant Reinauer Transportation Companies, LLC's Counterclaim (the "Counterclaim").

1. The City admits the allegations set forth in Paragraph 1 of the Counterclaim.

2. The City admits that the United States Coast Guard issued an Order to Alter dated November 23, 1992, and the City states that the Order to Alter speaks for itself.

3. The City admits that reconstruction of the Chelsea Street Bridge to provide the vertical and horizontal clearances referred to in the Order to Alter has not yet occurred. The City denies that it has failed to abide by or violated the Order to Alter, and the City denies the remaining allegations set forth in Paragraph 3 of the Counterclaim.

4. The City admits that, since 1992, a number of vessels have struck the fender system of the Chelsea Street Bridge. The City denies the remaining allegations as stated in Paragraph 4 of the Counterclaim.

5. Insofar as Paragraph 5 is a restatement of a determination made by the Coast Guard as stated in the Order to Alter, the City states that the Order to Alter speaks for itself.

6. The City admits that the quoted language appears in 33 U.S.C. §512.

7. The City denies the allegations set forth in Paragraph 7 of the Counterclaim.

8. The City denies the allegations set forth in Paragraph 8 of the Counterclaim.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

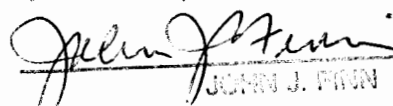
If the plaintiff-in-counterclaim suffered any damages, said damages were caused by the negligence of the plaintiff-in-counterclaim, and can recover nothing therefor from the City.

By its attorneys,

  
John J. Finn, BBO# 166060  
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Dated: May 13, 2005

**NOTED FOR RECORD**  
I hereby certify that a true copy of the above document was  
served upon the attorney of record for each party by mail  
by hand on May 13, 2005

  
JOHN J. FINN